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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,407	02/23/2004	Heinz Busskamp	8358-000012/CO	1840
27572	7590	08/06/2004	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			MUROMOTO JR, ROBERT H	
			ART UNIT	PAPER NUMBER
			3765	

DATE MAILED: 08/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/784,407

Applicant(s)

BUSSKAMP ET AL.

Examiner

Robert H Muromoto, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>06092004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The abstract of the disclosure is objected to because the abstract contains the recitations, "The invention relates to..."; "Said"; and the use of an alphabetical sequence listing, which are all considered to be not proper language for US patent practice.

Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Willis '637 in view of Gerber et al., '001 (Gerber '001 from herein).

Willis, '637 teaches "the impregnation of spaced courses of yarn in a fabric with a material which is not visible under daylight but which is visible only when subjected to ultra-violet light, so as to provide guide lines for cutting, or measuring indicia to enable visual counting of the number of yards of cloth in a roll from the end thereof without the necessity of unrolling the bolt (abstract of the disclosure)."

Additionally, directly from the Willis reference, "An outstanding disadvantage encountered by salesladies, dressmakers, distributors and tailors, when cutting cloth, is there are no truly suitable guide lines to accurately guide the cutting operation or to

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indicate measured lengths. For example, when a saleslady sells a yard or more of material, she must unroll it from a very large bolt of cloth and use a rule for measuring the amount desired to be cut. Inaccuracies in measurement occur since the dispensed piece of cloth may be under varying degrees of tension when cut. Also difficulty is encountered in cutting along a straight line at right angles to the rolled strip of cloth and following the weave (col. 1, lines 5-18)."

Willis' stated objectives are "to provide a novel means and method for overcoming the above named disadvantages by providing uniquely accurate guide or measuring lines in cloth or similar items; and to mark or impregnate a thread, prior to knitting it into the cloth so as to provide spaced courses of marked threads along parallel lines at a predetermined distance apart to indicate a predetermined dimension or spacing, such as a yard or foot, etc. (col. 1, lines 38-54)."

"Referring more particularly to FIG. 1 of the drawing, numeral 1 denotes a roll or bolt of cloth having spaced woven or knitted courses of yarn 2 impregnated with a fluorescent material immediately before the weaving or knitting process. FIG. 2 shows a rope 4 having bands 5 of such material. This material is visible only under ultra-violet or black light emitted by ultra-violet lamp 3. Spaced, parallel courses of yarn 2 are a predetermined distance apart, (1 foot or 1 yard, etc.). Yarn 2 may be passed over a brush saturated with fluorescent material in dry or liquid form, or it may be passed through a bath of liquid fluorescent material, or perhaps a spool of thread

which has already been treated with fluorescent material may be used instead (col. 2, lines 15-29)."

The fluorescent material added to the fibers of Willis would inherently be machine-readable and conductive as recited by the instant invention. Specifically, light sensors are a widely known and used product. As far as being conductive, in the reasonably broadest terms, a fluorescent material is by definition conductive as it uses the principles of excited electrons to emit photons that are only visible in the UV range.

Although Willis teaches essentially all of the limitations of the instant invention, Willis does not teach the use of a cutter which is guided by machine-readable markers.

However, the use of automated cutters for webs and sheet materials is well known as evidenced by Gerber '001, that teaches "an automatically controlled cutting machine, generally designated 10, in which the cutting tool is a cutting wheel 12, preferably not less than one inch (2.54 cm) in diameter, that rolls freely in cutting engagement with sheet material S positioned on a hard, smooth and continuous support surface 14 of a cutting table 16. The machine may be utilized for cutting relatively thin sheet material which is positioned on the support surface 14 in a single ply or a stack of a few plies having a total depth less than one half the radius of the cutting wheel 12, for example, 1/4 inch (0.6 cm). The illustrated machine is numerically controlled by means of a controller 18 which guides the cutting wheel along predetermined lines of cut that define, for example, the periphery of pattern pieces forming a man's dress suit (col. 3, lines 4-20)."

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Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to use an automatically guided cutter with the teachings of Willis to increase the accuracy and decrease the down time of the cutting and sewing processes in all types of fabric manufacture, including air bag manufacture.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References teaching machine readable markers for fabrics and cutting systems are cited.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert H Muromoto, Jr. whose telephone number is 703-306-5503. The examiner can normally be reached on 8-530, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on 703-305-1025. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JOHN J. CALVERT
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